



February 20, 2025

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**VIA EMAIL**

David Adelman and Joy Walker  
Civil Actions Bureau  
Specialized Discovery Section  
Cook County State's Attorney's Office  
500 Richard J. Daley Center  
Chicago, IL 60602

**RE: *Abrego v. Guevara et al.*, No. 23-cv-1740 – CCSAO Privilege Assertions**

Counsel:

In preparation for our call about the CCSAO's redactions, I have identified redactions and/or categories of redactions that we would like to discuss. The issues are listed below:

- **LEADS information and probation records:** The CCSAO has withheld information relating to LEADS information and probation records. The CCSAO relies on state law to justify this withholding, but state privileges do not govern in federal cases. The LEADS information and probation records (e.g. 3051-3059) pertain to witnesses who were germane to Plaintiffs'<sup>1</sup> prosecutions and likely contain impeachment evidence. All the evidence implicating Plaintiff Abrego stemmed from witness testimony as there was no physical evidence linking him to the crime. As such, witness credibility is a central issue in Plaintiffs' civil case. These documents should be produced.
- **Julio Lugo's medical records (3587-3682)** – As with the LEADS information, the medical records for the surviving victim are plainly relevant and should have been disclosed during Plaintiffs' criminal proceedings. It is unclear why the CCSAO is now withholding documents that were previously discoverable. Please agree to produce these documents.
- **"Attorney Notes"** – The CCSAO has redacted multiple documents based on the claim that the notes were authored by an attorney. Plaintiffs seek clarification about how the CCSAO determined the authorship for these notes. For example, the CCSAO redacted handwriting on Julio Lugo's affidavit (17721-17722) and claimed the redacted handwriting belonged to an attorney. However, this affidavit was disclosed to Plaintiffs' post-conviction counsel and in those proceedings, the handwriting was attributed to the

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<sup>1</sup> Eruby Abrego and Jeremiah Cain were co-defendants in the criminal proceedings that caused their wrongful convictions. Both have filed civil cases, and the cases have been consolidated for discovery. The issues raised in this letter apply equally to their cases.

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declarant, Julio Lugo. Expectedly, Plaintiffs are now concerned that the redactions may pertain to witness statements and not attorney notes.

- **Redacted Photo Lineups (8172, 8183-8185, 8236, 8238)** – It is unclear on what basis the CCSAO is withholding the photo lineups since Plaintiffs were co-defendants in the criminal proceedings and were entitled to receive these documents in discovery. Further, as stated above with regard to the LEADS information, any state privilege that protects these documents from disclosure, does not trump the discovery rules in the federal case. Please agree to produce these documents.
- **Redactions that are not on the privilege log:** The following pages contain redactions that were not included in the CCSAO's privilege log:
  - 005778-005785
  - 005830-005897
  - 005899-005967
  - 005969-005973
  - 016152-16153
  - 016456-16470

Please provide the basis for the redaction or produce unredacted copies of these documents.

We look forward to conferring with you.

Thanks,

Justin Hill